



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2707**

Introduced 1/20/2006, by Sen. Mattie Hunter

**SYNOPSIS AS INTRODUCED:**

325 ILCS 5/3  
325 ILCS 5/4

from Ch. 23, par. 2053  
from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Provides that an information technology professional is a mandated reporter of suspected child abuse or neglect, and defines "information technology professional" to mean a person who is employed as a computer provider, computer installer, computer repair person, or Internet service provider.

LRB094 18803 DRJ 54211 b

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Sections 3 and 4 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Child" means any person under the age of 18 years, unless  
10 legally emancipated by reason of marriage or entry into a  
11 branch of the United States armed services.

12 "Department" means Department of Children and Family  
13 Services.

14 "Local law enforcement agency" means the police of a city,  
15 town, village or other incorporated area or the sheriff of an  
16 unincorporated area or any sworn officer of the Illinois  
17 Department of State Police.

18 "Abused child" means a child whose parent or immediate  
19 family member, or any person responsible for the child's  
20 welfare, or any individual residing in the same home as the  
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be  
23 inflicted upon such child physical injury, by other than  
24 accidental means, which causes death, disfigurement,  
25 impairment of physical or emotional health, or loss or  
26 impairment of any bodily function;

27 (b) creates a substantial risk of physical injury to  
28 such child by other than accidental means which would be  
29 likely to cause death, disfigurement, impairment of  
30 physical or emotional health, or loss or impairment of any  
31 bodily function;

32 (c) commits or allows to be committed any sex offense

1 against such child, as such sex offenses are defined in the  
2 Criminal Code of 1961, as amended, and extending those  
3 definitions of sex offenses to include children under 18  
4 years of age;

5 (d) commits or allows to be committed an act or acts of  
6 torture upon such child;

7 (e) inflicts excessive corporal punishment;

8 (f) commits or allows to be committed the offense of  
9 female genital mutilation, as defined in Section 12-34 of  
10 the Criminal Code of 1961, against the child; or

11 (g) causes to be sold, transferred, distributed, or  
12 given to such child under 18 years of age, a controlled  
13 substance as defined in Section 102 of the Illinois  
14 Controlled Substances Act in violation of Article IV of the  
15 Illinois Controlled Substances Act or in violation of the  
16 Methamphetamine Control and Community Protection Act,  
17 except for controlled substances that are prescribed in  
18 accordance with Article III of the Illinois Controlled  
19 Substances Act and are dispensed to such child in a manner  
20 that substantially complies with the prescription.

21 A child shall not be considered abused for the sole reason  
22 that the child has been relinquished in accordance with the  
23 Abandoned Newborn Infant Protection Act.

24 "Neglected child" means any child who is not receiving the  
25 proper or necessary nourishment or medically indicated  
26 treatment including food or care not provided solely on the  
27 basis of the present or anticipated mental or physical  
28 impairment as determined by a physician acting alone or in  
29 consultation with other physicians or otherwise is not  
30 receiving the proper or necessary support or medical or other  
31 remedial care recognized under State law as necessary for a  
32 child's well-being, or other care necessary for his or her  
33 well-being, including adequate food, clothing and shelter; or  
34 who is abandoned by his or her parents or other person  
35 responsible for the child's welfare without a proper plan of  
36 care; or who is a newborn infant whose blood, urine, or

1 meconium contains any amount of a controlled substance as  
2 defined in subsection (f) of Section 102 of the Illinois  
3 Controlled Substances Act or a metabolite thereof, with the  
4 exception of a controlled substance or metabolite thereof whose  
5 presence in the newborn infant is the result of medical  
6 treatment administered to the mother or the newborn infant. A  
7 child shall not be considered neglected for the sole reason  
8 that the child's parent or other person responsible for his or  
9 her welfare has left the child in the care of an adult relative  
10 for any period of time. A child shall not be considered  
11 neglected for the sole reason that the child has been  
12 relinquished in accordance with the Abandoned Newborn Infant  
13 Protection Act. A child shall not be considered neglected or  
14 abused for the sole reason that such child's parent or other  
15 person responsible for his or her welfare depends upon  
16 spiritual means through prayer alone for the treatment or cure  
17 of disease or remedial care as provided under Section 4 of this  
18 Act. A child shall not be considered neglected or abused solely  
19 because the child is not attending school in accordance with  
20 the requirements of Article 26 of The School Code, as amended.

21 "Child Protective Service Unit" means certain specialized  
22 State employees of the Department assigned by the Director to  
23 perform the duties and responsibilities as provided under  
24 Section 7.2 of this Act.

25 "Person responsible for the child's welfare" means the  
26 child's parent; guardian; foster parent; relative caregiver;  
27 any person responsible for the child's welfare in a public or  
28 private residential agency or institution; any person  
29 responsible for the child's welfare within a public or private  
30 profit or not for profit child care facility; or any other  
31 person responsible for the child's welfare at the time of the  
32 alleged abuse or neglect, or any person who came to know the  
33 child through an official capacity or position of trust,  
34 including but not limited to health care professionals,  
35 educational personnel, recreational supervisors, members of  
36 the clergy, and volunteers or support personnel in any setting

1 where children may be subject to abuse or neglect.

2 "Temporary protective custody" means custody within a  
3 hospital or other medical facility or a place previously  
4 designated for such custody by the Department, subject to  
5 review by the Court, including a licensed foster home, group  
6 home, or other institution; but such place shall not be a jail  
7 or other place for the detention of criminal or juvenile  
8 offenders.

9 "An unfounded report" means any report made under this Act  
10 for which it is determined after an investigation that no  
11 credible evidence of abuse or neglect exists.

12 "An indicated report" means a report made under this Act if  
13 an investigation determines that credible evidence of the  
14 alleged abuse or neglect exists.

15 "An undetermined report" means any report made under this  
16 Act in which it was not possible to initiate or complete an  
17 investigation on the basis of information provided to the  
18 Department.

19 "Subject of report" means any child reported to the central  
20 register of child abuse and neglect established under Section  
21 7.7 of this Act and his or her parent, guardian or other person  
22 responsible who is also named in the report.

23 "Perpetrator" means a person who, as a result of  
24 investigation, has been determined by the Department to have  
25 caused child abuse or neglect.

26 "Member of the clergy" means a clergyman or practitioner of  
27 any religious denomination accredited by the religious body to  
28 which he or she belongs.

29 "Information technology professional" means a person who  
30 is employed as a computer provider, computer installer,  
31 computer repair person, or Internet service provider.

32 (Source: P.A. 94-556, eff. 9-11-05.)

33 (325 ILCS 5/4) (from Ch. 23, par. 2054)

34 Sec. 4. Persons required to report; privileged  
35 communications; transmitting false report. Any physician,

1 resident, intern, hospital, hospital administrator and  
2 personnel engaged in examination, care and treatment of  
3 persons, surgeon, dentist, dentist hygienist, osteopath,  
4 chiropractor, podiatrist, physician assistant, substance abuse  
5 treatment personnel, funeral home director or employee,  
6 coroner, medical examiner, emergency medical technician,  
7 acupuncturist, crisis line or hotline personnel, school  
8 personnel, educational advocate assigned to a child pursuant to  
9 the School Code, truant officers, social worker, social  
10 services administrator, domestic violence program personnel,  
11 registered nurse, licensed practical nurse, genetic counselor,  
12 respiratory care practitioner, advanced practice nurse, home  
13 health aide, director or staff assistant of a nursery school or  
14 a child day care center, recreational program or facility  
15 personnel, information technology professional, law  
16 enforcement officer, licensed professional counselor, licensed  
17 clinical professional counselor, registered psychologist and  
18 assistants working under the direct supervision of a  
19 psychologist, psychiatrist, or field personnel of the ~~Illinois~~  
20 Department of Healthcare and Family Services ~~Public Aid~~, Public  
21 Health, Human Services (acting as successor to the Department  
22 of Mental Health and Developmental Disabilities,  
23 Rehabilitation Services, or Public Aid), Corrections, Human  
24 Rights, or Children and Family Services, supervisor and  
25 administrator of general assistance under the Illinois Public  
26 Aid Code, probation officer, or any other foster parent,  
27 homemaker or child care worker having reasonable cause to  
28 believe a child known to them in their professional or official  
29 capacity may be an abused child or a neglected child shall  
30 immediately report or cause a report to be made to the  
31 Department.

32 Any member of the clergy having reasonable cause to believe  
33 that a child known to that member of the clergy in his or her  
34 professional capacity may be an abused child as defined in item  
35 (c) of the definition of "abused child" in Section 3 of this  
36 Act shall immediately report or cause a report to be made to

1 the Department.

2 Whenever such person is required to report under this Act  
3 in his capacity as a member of the staff of a medical or other  
4 public or private institution, school, facility or agency, or  
5 as a member of the clergy, he shall make report immediately to  
6 the Department in accordance with the provisions of this Act  
7 and may also notify the person in charge of such institution,  
8 school, facility or agency, or church, synagogue, temple,  
9 mosque, or other religious institution, or his designated agent  
10 that such report has been made. Under no circumstances shall  
11 any person in charge of such institution, school, facility or  
12 agency, or church, synagogue, temple, mosque, or other  
13 religious institution, or his designated agent to whom such  
14 notification has been made, exercise any control, restraint,  
15 modification or other change in the report or the forwarding of  
16 such report to the Department.

17 The privileged quality of communication between any  
18 professional person required to report and his patient or  
19 client shall not apply to situations involving abused or  
20 neglected children and shall not constitute grounds for failure  
21 to report as required by this Act.

22 A member of the clergy may claim the privilege under  
23 Section 8-803 of the Code of Civil Procedure.

24 In addition to the above persons required to report  
25 suspected cases of abused or neglected children, any other  
26 person may make a report if such person has reasonable cause to  
27 believe a child may be an abused child or a neglected child.

28 Any person who enters into employment on and after July 1,  
29 1986 and is mandated by virtue of that employment to report  
30 under this Act, shall sign a statement on a form prescribed by  
31 the Department, to the effect that the employee has knowledge  
32 and understanding of the reporting requirements of this Act.  
33 The statement shall be signed prior to commencement of the  
34 employment. The signed statement shall be retained by the  
35 employer. The cost of printing, distribution, and filing of the  
36 statement shall be borne by the employer.

1           The Department shall provide copies of this Act, upon  
2 request, to all employers employing persons who shall be  
3 required under the provisions of this Section to report under  
4 this Act.

5           Any person who knowingly transmits a false report to the  
6 Department commits the offense of disorderly conduct under  
7 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
8 1961". Any person who violates this provision a second or  
9 subsequent time shall be guilty of a Class 3 felony.

10          Any person who knowingly and willfully violates any  
11 provision of this Section other than a second or subsequent  
12 violation of transmitting a false report as described in the  
13 preceding paragraph, is guilty of a Class A misdemeanor for a  
14 first violation and a Class 4 felony for a second or subsequent  
15 violation; except that if the person acted as part of a plan or  
16 scheme having as its object the prevention of discovery of an  
17 abused or neglected child by lawful authorities for the purpose  
18 of protecting or insulating any person or entity from arrest or  
19 prosecution, the person is guilty of a Class 4 felony for a  
20 first offense and a Class 3 felony for a second or subsequent  
21 offense (regardless of whether the second or subsequent offense  
22 involves any of the same facts or persons as the first or other  
23 prior offense).

24          A child whose parent, guardian or custodian in good faith  
25 selects and depends upon spiritual means through prayer alone  
26 for the treatment or cure of disease or remedial care may be  
27 considered neglected or abused, but not for the sole reason  
28 that his parent, guardian or custodian accepts and practices  
29 such beliefs.

30          A child shall not be considered neglected or abused solely  
31 because the child is not attending school in accordance with  
32 the requirements of Article 26 of the School Code, as amended.

33          (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;  
34 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.  
35 8-5-03; 93-1041, eff. 9-29-04; revised 12-15-05.)